

THE SUPREME COURT.

A Number of Interesting Opinions Delivered Yesterday.

List of the Important Cases Finally Disposed Of—The Court Proceedings.

The supreme court heard argument yesterday in the Brooklyn bridge case of Abraham Miller against the mayor, aldermen and commonalty of the city of New York, and others, a case which has excited much interest in New York and Brooklyn on account of the magnitude of the interests involved. The history of the litigation may be briefly stated as follows: In 1867 the New York bridge company was incorporated for the purpose of constructing a suspension bridge across the East river, between New York city and Brooklyn. The bridge was required to be not less than 130 feet above high tide, and to be so built as not to obstruct the navigation of the river.

In 1869 congress passed an act authorizing the construction of the proposed bridge upon conditions that the secretary of war should first examine the plans therefor, and satisfy himself that the bridge, when finished, would not "obstruct, impair, or injuriously modify the navigation of the river." The secretary of war appointed a commission of engineers to investigate the subject, and on the twentieth of June, 1869, upon the receipt of their report, he directed the chief of engineers to notify the bridge company of his approval of the plan and location of the bridge, subject to certain specified conditions, and to the necessary work to be done. The company then began work on the bridge, and continued it until 1875, when an act of the state legislature was passed providing for the completion of the structure by the cities of New York and Brooklyn.

On the nineteenth of May, 1876, nearly seven years after the approval of the plan of the proposed bridge by the secretary of war, Abraham Miller, a warehouseman of Brooklyn, began suit in the United States circuit court for the southern district of New York for the purpose of obtaining a decree that the bridge, as contemplated and erected, was without lawful authority; that it was a nuisance, and that it should be enjoined. When the case came to a final hearing, Judge Blatchford the complainant's bill was dismissed with costs, whereupon he took an appeal to this court. The argument for the appellant was made by William H. Arnoux, of New York, who began with a statement of the facts and of the evidence, going to show that the bridge as constructed does obstruct the navigation of the East river, and does, therefore, damage the business of the complainant by virtually preventing a certain class of ships from reaching his warehouse.

Mr. Arnoux was going on to show that the bridge was, comparatively speaking, of little use to the cities of New York and Brooklyn, and was rather a hindrance to a real convenience, when Justice Gray, who seemed to think that these considerations were irrelevant, called counsel's attention to one of the vital points of the case by saying, "I did not quite understand your position, Mr. Arnoux, when you said that the bridge was a nuisance. Am I right in supposing that the secretary of war was authorized by congress to determine the question whether the bridge would or would not be an obstruction to navigation, that he did determine that question, that he approved the plan, and that he directed the company to proceed with the work?"

Mr. Arnoux, "Your honor's statement of the facts is in substance correct. It was not my intention to take up that point of the case at this stage, but, of course, if the court desires it I will proceed to discuss it now."

Justice Gray (laughing), "Oh no! Not on my account. I have no doubt that a New York lawyer is a man who knows how to arrange the points of his own case."

Mr. Arnoux then proceeded to cite adjudged cases for the purpose of showing that anything which in any degree interfered with the free navigation of a river had been held by the courts to be a nuisance, and a nuisance, he was just stating the points of the case. He was just stating the points of the case. He was just stating the points of the case.

The Chief Justice. Then the bridge must be built so high from pier to pier that no vessel ever constructed can touch it with her loftiest keel.

Mr. Arnoux. The bridge should not be built so as to virtually prevent the passage of two-fifths of the tonnage and one-eighth of the number of vessels entering the port.

Justice Miller. What would be the use of a bridge so high that nobody could get up to it? Mr. Arnoux. In the case of the Pennsylvania against the Wheeling Bridge Company it was held by this court that the bridge was an obstruction to navigation, although only seven out of the 230 steamboats on the river to the greatest number, "it is said that the interests of commerce require navigable water to be crossed, and that in such case the enquiry should be whether the benefit conferred on commerce by the cross is not greater than the injury done."

In the case of the King vs. John Morris, it was held that the injury cannot be balanced against the benefits secured. This court, therefore, decided that the Wheeling bridge was an obstruction, and that the plaintiff was entitled to an injunction.

Justice Harlan. In the Chicago bridge case we authorized the city of Chicago to stop the passage of ships altogether, except at certain hours.

Mr. Arnoux. In that case congress had not in any way legislated on the subject. Justice Harlan. Would you demand that the bridge should be so high as not to interfere with any ship that might be constructed? Mr. Arnoux (hesitatingly). I should not like to say so.

The chief justice (interrupting). "You do say, nevertheless, that the decision of the secretary of war that the bridge was not an obstruction to navigation, is not to have any effect against the fact that it is?"

Mr. Arnoux. "I say, your honor, that it is not for anyone, but the judiciary to give construction to a law of congress. It isn't given to the secretary of war to say 'this is not a bar to judicial inquiry concerning the facts. If the bridge had been built five feet above the water, instead of 135, and the secretary of war had declared that it did not obstruct navigation, the court would not have been deprived of its right to say that it did, and that it had therefore been built in violation of law. Mr. Arnoux's argument lasted an hour and a half, and frequently interrupted by questions from the bench which indicated that a number of the justices did not agree with his reasoning. At its conclusion Mr. Joseph H. Choate, of New York, replied for the cities of New York and Brooklyn. The points which he advanced to make were: 1. That the matter in dispute between the parties was not enough to give the court jurisdiction. 2. That the plaintiff had shown no such special injury as to entitle him to relief in equity. 3. That he had a complete and ade-

quate remedy at law. 4. That the plaintiff, having slept upon his right for seven years, during which time the cities spent as many millions of dollars in building the bridge, and nearly completed it, forfeited by his laches all possible right to appeal to a court of equity to interfere with its completion. 5. That as matter of fact upon the evidence, if the question were to be decided judicially, the bridge as constructed does not, in the sense of the act of congress, "obstruct, impair, or injuriously modify" the navigation of the East river.

Mr. Arnoux closed the argument by a reply, occupying only ten minutes, to some of Mr. Choate's statements.

The other proceedings of the court to-day were as follows: Admissions to the bar, Henry R. Cleaves, of Portland, Me.; Herbert E. Dickson, of New York city.

No. 98. The Delaware, Lackawanna and Western Railroad company, plaintiff in error, vs. John H. Coble, Jr. Error to the circuit court of the United States for the district of New Jersey. Dismissed with costs.

No. 100. Max Schott, appellant, vs. Joseph L. Hudson, assignee, &c., et al., No. 101. Joseph P. Leroux et al., appellants, vs. Joseph L. Hudson, assignee, &c., et al. Argument commenced. Adjourned.

YARDS AND DOCKS.

Annual Report of Admiral Nichols—The Estimates for Next Year's Improvements.

Rear Admiral Nichols, chief of the bureau of yards and docks, in his annual report, says: The estimates for the fiscal year ending June 30, 1885, are as follows:

For general maintenance of navy yards and stations, \$420,000.

For navy yard, Portsmouth, N. H., for water works, \$25,000.

For navy yard, Boston, rebuilding wharves, floating gate for dry dock, water pipes, &c., \$135,000.

Navy yard, Brooklyn, boiler shops, building for general storage, dredging, &c., \$331,000.

Navy yard, League Island, dredging and landing wharf, \$125,000.

Navy yard, Washington, ordnance machine shops, dredging, and continuation of yard wall, \$141,000.

Navy yard, Norfolk, extension of quay wall, pump, water culvert, marine railway, coal house, &c., \$255,000.

Navy yard, Mare Island, dry dock, wharves, bridges, cisterns, &c., \$606,000.

Naval station, New London, quay wall, \$150,000.

Naval station, Key West, purchase of Malory lot, &c., \$19,500.

The estimate for civil establishments at all the yards amount to \$455,000, being an increase of nearly \$20,000 over the present expense.

Estimates for repairs and preservation of all the yards and stations, \$400,000; and for the naval asylum at Philadelphia, \$92,251. The total estimates are \$3,166,051.

The estimates for general maintenance, repairs and preservation, civil list, and contingencies, are very nearly the same as those presented last year. The report says that experience has proved that the sums appropriated for the fiscal year just closed under the first two heads, were inadequate to meet the demands upon them, and that an additional appropriation of \$64,000 had to be made, which sum barely carried the bureau through the year on a scale of expenditures which certainly was not advantageous to the interest of the government, in that it did not admit of many things being done which properly pertain to the bureau of yards alone, and only admitted of tinkering where thorough repairs were necessary. It is doubtful if the saving made by the reduced appropriations will in the end compensate for the losses which may occur from theft and fire.

Admiral Nichols says he "has no hesitation in saying that the reduction of the appropriations for repairs and preservation was not an economical measure, as for the past two years the bureau has been compelled to appropriate of \$64,000 had to be made, which sum barely carried the bureau through the year on a scale of expenditures which certainly was not advantageous to the interest of the government, in that it did not admit of many things being done which properly pertain to the bureau of yards alone, and only admitted of tinkering where thorough repairs were necessary. It is doubtful if the saving made by the reduced appropriations will in the end compensate for the losses which may occur from theft and fire."

Standard Social Pleasure Club.

Few of the social entertainments given thus far this season have exceeded the ball given Monday night at Abner's hall by the Standard Social Pleasure Club, a popular organization of young people, who have been holding walks of life. Until late yesterday morning a merry throng of dancers filled the hall, oblivious of feeling time. A beautiful gold medal offered to the most popular member of the pleasure club was won by Mr. Harry King, Jr. who scored 1416 votes. Among the many ladies present were the Misses Haribrecht, Donoh, Rosa, Maggie and Mollie Kaiser, Herrmann, Lambrecht, Lott, Katie and George Schlegel, Kattelmann, Kate Walker, Schuler, Binkley, Schuler, and others.

Major of ceremonies—Charles F. Mackin. Floor managers—Charles Kaiser, Carlisle Jones, J. B. Holden, John Jos, Fred Hirsch, Charles E. Kagle.

Reception Committee—Albert Roach, chairman; Hugo Langer, James Hagan, A. H. Wurdeman, Leo Griebel, Temple Bell.

Medal committee—Louis Kurtz, chairman; Louis Kayser, J. Fred Miller, Edson Phillips.

Sunday School Entertainment.

The Metropolitan M. E. church, of which Dr. E. D. Huntley is pastor, was the scene of an excellent entertainment Monday evening, under the auspices of the Sunday School Missionary society. The large lecture room was filled to the utmost standing space, and the throng of visitors into the adjoining rooms. A long programme was listened to with constant interest.

A notable feature was a performance on a Chinese piano and a Chinese fiddle by a native Chinaman; also an address in English by one of his number—his choice words and elegant diction being highly commendable.

In addition to genuine "Celestials," the platform was occupied by representatives of various races in full costume, including Japanese, Chinese, Hindoo, African, Indian, and Equianian.

A quartette from the Sunday school rendered music, and Miss Mattie Gray and Miss Louise Marguerite also gave songs which were highly appreciated. Various well known readers and reciters delighted the audience with selections fitted to the theme.

The financial report of C. M. L. Sites as secretary of this society, showed a result most encouraging. Great credit is due the readers of the society, Mr. H. O. Hall, for his tireless efforts to secure success. A large audience remained throughout with unflagging attention and evident enjoyment.

Johnson & Kelly.

The wedding of Mr. Samuel Johnson and Miss Lily M. Kelly took place yesterday afternoon at St. Peter's church, and was witnessed by a large number of friends. The ceremony was performed by Rev. Father O'Sullivan. The bride was attired in garnet silk trimmed with Spanish lace, with gold ornaments. After the ceremony the happy couple repaired to the residence of the bride's grandparents, where a reception was held until a late hour. A number of handsome and useful presents were exhibited.

The Renowned Orator.

THE PROTEUS DISASTER.

Sessions of the Court of Inquiry to Commence To-morrow.

The inquiry into the recent Proteus Arctic exploring expedition will begin to-morrow morning at 10:30 o'clock in rooms specially fitted up for the purpose on the first floor of the old navy department building. The court of inquiry will be composed of Gen. Ben. F. Butler, president; Col. Geo. A. Ayres, and Maj. Goodfellow as judge advocate. The sessions will doubtless be intensely interesting, as it was stated to a Republican reporter last evening that Maj. Goodfellow is an Arctic explorer himself, having accompanied Dr. Kane on one of his explorations and spent over two years in that bleak and icy country. Secretary Lincoln was doubtless acquainted with this fact when he selected the judge advocate, but it is not generally known outside. The major expected to arrive in this city to-day or early to-morrow morning.

REMARKABLE for overcoming diseases caused by impure water, decaying vegetation, &c., is Brown's Iron Bitters.

These Advertisers who do not care to have their names and address placed in a Register in this paper, will be glad to have their names placed in a list of names taken out for the purpose of forwarding by mail or otherwise.

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BY A RESPECTABLE SETTLED COLORED woman, a situation as child or infant's nurse, by day or week, or as chambermaid and nurse. Address, 101 N. 1st St., N. W.

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BY A RESPECTABLE WHITE GIRL—SITUATION as chambermaid, and make herself useful. Address, 101 N. 1st St., N. W.

SITUATIONS BY TWO WHITE GIRLS—ONE as nurse, the other as chambermaid. Address, 101 N. 1st St., N. W.

A NORTHERN WOMAN, who is not afraid of hard work, wants a position of working housekeeper or some position of trust; can furnish best of references. Address, 101 N. 1st St., N. W.

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WANTED—SETTLED WOMAN TO COOK, wash, and iron; also chambermaid and nurse; must be reliable. Address, 101 N. 1st St., N. W.

WANTED—A FIRST CLASS WAITER, MAN, or boy, for a restaurant. Address, 101 N. 1st St., N. W.

WANTED—AN ACTIVE, INTELLIGENT woman, to do general housework, and to take charge of a small family. Address, 101 N. 1st St., N. W.

WANTED—COOKS, NURSES, GENERAL housework, and all other services. Address, 101 N. 1st St., N. W.

WANTED—WHITE WOMAN FOR GENERAL housework in small family; no children. Address, 101 N. 1st St., N. W.

AGENTS TO TAKE ORDERS FOR ENLARGING family pictures, and canvassers in the business. Address, 101 N. 1st St., N. W.

A RELIABLE WOMAN FOR GENERAL housework, at 101 N. 1st St., N. W. References required.

880 PER MONTH—WANTED—FOUR ENLARGING men of good address. W. W. HAYNES, 101 N. 1st St., N. W.

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WANTED—GOOD, RELIABLE AGENTS for the Baltimore Mutual Life Society. Apply after 10 a. m. daily to C. O. GARD, manager, room 1, Lenox building, corner Seventh and A streets northwest.

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Wanted—Buses.

TO BUY, FOR CASH, A ROOM HOUSE on East Capitol, or on N. W., for a home. Address, 101 N. 1st St., N. W.

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A GOOD MAN WITH \$200 CASH TO TAKE business. Particulars of TYLER & HUTCHINS. Address, 101 N. 1st St., N. W.

WILL RECENT HANDSOME UPHOLSTERY, piano, and other goods. Address, 101 N. 1st St., N. W.

A MEDIUM SIZE IRON SAFE IN GOOD condition. Address, 101 N. 1st St., N. W.

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DR. VAN DYCK has permanently located at No. 21 Grand Place, where he can be consulted daily, from 9 a. m. to 9 p. m.

WANTED TO ANNOUNCE THAT JOHN E. B. BATES, Attorney at Law, 141 E. 1st St., N. W., is a Commissioner of Deeds for the State and Territory. Address, 101 N. 1st St., N. W.

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A FINE LARGE PARLOR, BEDROOM, AND other rooms can be had for the season by a member, including private table, for \$50 per month. Address, 101 N. 1st St., N. W.

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